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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,183	02/18/2004	Mike Nipke	14335US02	2294
7590	06/06/2005		EXAMINER	
Joseph M. Barich McAndrews, Held & Malloy, Ltd. 34th Floor 500 W. Madison Street Chicago, IL 60661			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,183

Applicant(s)

NIPKE, MIKE

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date April 29, 2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Part II DETAILED ACTION

This office action is in response to applicant's amendment filed on February 28, 2005.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Objections

1. Claims 10, 13, 34, 36, and 37 are objected to because of the following informalities:

Regard to claim 10, the phrase “attached to said power hub” does not consist the body of the claim because the “the input power receptacle is mounted on the “pole” but is not mounted on the power hub”.

- Regard to claim 13, it is not clear what is mean by the term “an additional electrical” (line 2).
- 2). Correction is required.

Regard to claims 34, 36, and 37, the scope of the claimed invention is confusing. In claim 34, the phrase “incorporated in a pole ” (claim 34, line 4) is confusing whether or not applicant intents to claim a power hub incombination with a pole. If not, the pole must be functionally recited.

In claim 36, the phrase “vertically displaced” is confusing how can the power hub be vertically located. If applicant attempts to claim a power hub itself, all structural limitations of the power hub should be functionally recited as relative to those elements not part of the power hub such as “a pole”. For example, the electrical outlet “is adapted to be vertically displaced...”.

In claim 37, it is confusing whether or not applicant claims the power hub including two, an additional and a first, electrical outlets positioned in different vertical height within a single power hub.

Due to the confusion, the claims have been treated as a power hub incombination with a pole.

Claim Rejections - 35 USC § 102

2. Claims 1, 8, 19, 25, 34, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (US Patent No.5,911,493) .

Walker et al. show and disclose a patio pole umbrella being used as an movable outdoor furniture article, the patio pole umbrella comprising: a pole (12) for supporting an umbrella canopy, the pole being inherently supported to be movable in various locations, a power hub (14) affixed to the pole, the power hub (14) including a plurality of electrical outlets (24) for supplying electricity to the electrical lightings (32), wherein the electrical outlet (24) receives electrical power through an internal electrical connection including electrical wires (26) extending through inside of the pole, the electrical wires are inherently connected to an input power receptacle (not show) incorporated with the pole for receiving electrical power from an AC electrical supply and providing AC electrical power to the electrical outlet (24), the power hub (14) is vertically displaced upward from the ground by a height of inherently over 3 inches, and the umbrella is capable to move to a selected place and, therefore, is not permanently fixed to one location.

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3. Claims 1, 7-8, 12-13, 19, 24-25, 29, 34, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Wheaton (US Patent No. 6,209,147) .

Wheaton shows and discloses an outdoor umbrella being used as an movable outdoor furniture article, the patio pole umbrella, comprising: an umbrella canopy (120), a pole (152) supporting the umbrella canopy, the pole being supported by a base (i.e., 50) which is capably rested on a surface and is movably not permanently fixed in a single location, the pole including upper and lower vertical section (152, 122), the lower pole section providing a power hub affixed to the upper pole section (152) , the power hub including an electrical outlets (144) for capably supplying AC electricity to an electrical device (146), wherein the electrical outlet receiving electricity power by an input power receptacle (29) through electrical cable (140) form an outer electrical supply such as conventional AC wall outlet.

4. Claims 19, 25-26 and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Gladsden et al. (US Patent No. 3,215,831).

Gladsden et al. show and disclose a movable outdoor furniture, a outdoor lamp, comprising a pole (14) having a frame (10, 20) being capably supporting a canopy of an umbrella, wherein the pole and the frame are not permanently fixed in a single location and are capably moved to another location, a power hub (22) being incorporatly mounted to the pole (14), the pole carrying electrical wires to provide AC electrical power to the electrical outlet, and the power hub including an electrical outlet (24) for supplying AC electricity to an electrical device, the electrical outlet of the power hub (22) having a receptacle being covered by a

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movable outdoor (26), and the power hub (22) is vertically displaced upward from the ground by a suitable height which inherently over at least 3 inches as claimed.

5. Claims 34, 36, and 38-39 are rejected under 35 U.S.C. 102(e) as being anticipated by DeGutis et al. (US Patent No. 6,402,547).

DeGutis et al. teach a power hub (26) being incorporated in a pole (44) that is capable to be an pole of outdoor furniture such as a pole of an canopy of an umbrella, the power hub (26) comprising at least one electrical outlet (50) to receive a connector (36) connected with an electrical cord (30) for supplying AC electricity to an electrical device (20), and an electrical inlet including an input power receptacle (74) for receiving electrical power, wherein an inlet electrical cord (24) having one end connected to an electrical power input connector (50) being removably plugged into the input power receptacle of the electrical inlet, and the electrical cord (24) having another end connected with and an electrical power connector (52) to be plugged into an conventional AC wall power outlet, whereby to supply a AC electrical power such as AC power to the hub, and the electrical outlet inherently displaced from the ground by a height of more than 3 inches.

Claim Rejections - 35 USC § 103

6. Claims 2-4, 20-21, 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. '493 or Wheaton '147, or Gladsden et al. '831, as applied to claims 1, 19, and/or 34 above, and further in view of Zamarin et al. (EP 851,178).

The claims are considered to be met by Walker et al. or Wheaton, or Gladsden et al. as explained and applied set forth above rejections except either Walker et al. or Wheaton does not

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define the outdoor article, the umbrella, having an input power receptacle formed on the pole for receiving external electrical power by a removable electrical connector as claimed. Zamarin et al. teaches an outdoor article, an umbrella lamp, comprising a pole (4 or 106) having a base (1 or 102) resting on a ground surface, a electrical connection (see Figs. 2 and 4) would have an input power receptacle (20) located on the base, an electrical cord (22) having one end inherently connected with an electrical connector (no number) (see Fig. 2) to be plugged into a conventional wall AC power inlet, and another end being connected with an electrical connector (21) to be removably plugged into the input power receptacle (20) for providing electrical power to an electrical outlet (115) and lighting system of the canopy, and the power receptacle and an electrical outlet (115) are electrically coupled by internal connections such as internal electrical wires (108) such that an electrical AC power would be provided to the electrical outlet (115) or lighting system (see Fig. 2). It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the outdoor article of Walker et al. or Wheaton or Gladsden et al. having the pole formed with at least one electrical outlet and at least one input power receptacle and an electrical connector connected with an electrical cord being removably plugged into the input power receptacle to provide an electrical power therein as taught by Zamarin et al. for providing removable electrical power connection to the outdoor article such that the outdoor article can be moved easily as desired.

7. Claims 5-6, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. '493 or Wheaton '147, or Gladsden et al. '831 in view of Zamarin et al. (EP Patent No.

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851,178) as applied to claims 1-3, 19-20 above, and further in view of Kildow (US Patent No.6,070,808).

The claims are considered to meet by Walker et al. or Wheaton or Gladsden et al. as explained and applied set forth above rejections except either Walker et al. or Wheaton or Gladsen et al. does not define the electrical connector is connected to the electrical cord including a circuit interrupter which expressively to be a ground fault circuit interrupter as claimed. Kildow teach an outdoor article, an outdoor mobile cleaning apparatus (10), comprising an input power receptacle (76) having an electrical connector being connected to the input power receptacle, the connector is connected to an electrical cord (18) and including a ground fault circuit interrupter (20) as claimed for enhancing operator safety. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the outdoor article, an umbrella or a lamp, of Walker et al. or Wheaton or Gladsden et al. having an electrical connector for being introduced into the input power receptacle to provide electrical power therein as taught by Zamerin et al., and the electrical connector which is connected with electrical cord and a ground fault circuit interrupter as taught by Kildow for providing outdoor electrical operator safety.

8. Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeGutis et al. '547 as applied to claims 34 and 38 above, and further in view of Kildow (US Patent No.6,070,808) for the same reasons set for above,

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9. Claims 7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. '493 or Gladsden et al. '831 as applied to claim 1 and/or claim 19 above, and further in view of Zamarin et al. (EP 851,178).

Although Walker et al. or Gladsden et al. do not specifically define the outdoor article, the umbrella/outdoor lamp, having the pole being supported by a base resting on a surface and the pole having a plurality of sections being connected one to another as claimed. Zamarin et al. further teaches, as old and well known in the art, an outdoor article comprising a pole (4) being supported by a base (1) resting on a ground surface and the input receptacle (20) being positioned vertically upward from the surface. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the outdoor article of Walker et al. or Gladsden et al. having the pole being supported by a base, as old and well known in the art, to be rested on the ground, as taught by Zamarin et al. for removably supporting and erecting the pole on a vertical position that resting on a desirable position of a surface such as a ground surface.

10. Claims 9, 26, 35, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheaton'147 or DeGutis et al. '547 as applied to claims 1, 19, 34, and 38 above, and further in view of Gladsden et al. (US Patent No. 3,215,831).

The claims are considered to be met by Wheaton or DeGutis et al. as explained and applied set forth above rejections except Wheaton does not define the electrical outlet being covered by a movable door attached to the movable outdoor furniture article. Gladsden et al. teach an outdoor article, a outdoor lamp, comprising a power hub (22) mounted on a pole (14),

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the power hub having at least one socket (24) providing an electrical outlet for providing power to an external device, and the hub having a movable door pivotally attached to the hub for providing weather tight covering to the electrical socket. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the outdoor article, an outdoor umbrella of Wheaton or the power hub of Deceits et al., having movable doors pivotally attached to the article adjacent the electrical outlet as taught by Gladsden et la. for covering and providing environmental protection and safety protection to the electrical outlet.

11. Claims 10 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheaton '147 or DeGutis et al. '547 in view of Zamerin et al. (EP Patent No. 851,178) applied to claims 1-2, 19-20 above, and further in view of Gladsden et al. (US Patent No. 3,215,831) for the same reasons set forth above.

12. Claims 11, 14-18, 28-33, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheaton '147 or Gladsden et al. '831 as applied to claims 1, 12, 19, and 34 above, and further in view of Woolford '559.

The claims are considered to meet by Wheaton or as explained and applied set forth above rejections except that Walker et al. and Wheaton do not define the outdoor article, the umbrella, having a plurality of electrical outlets positioned at a different vertical height along the pole being covered by a movable door attached to the movable outdoor furniture article, and the pole having a plurality of sections being connected by internal electrical connectors therebetween. Woolford teaches an movable outdoor article, an electrical tree, comprising a

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pole having a plurality of sections (12) being connected one to another in a vertical arrangement, each section having at least one electrical outlet (14) for providing electricity to an electrical device such as lighting (4), and each two adjacent sections having electrical connectors including a female electrical socket (25) and a male electrical plug (24) being physically connected each another respectively for providing electrical power to the electrical outlet along the sections. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the umbrella of Walker et al. having the pole formed by a plurality of sections having electrical outlets and being connected one to another by electrical connectors as taught by Woolford for providing electrical connections connecting the pole sections to apply electrical power to the electrical outlets respectively.

Response to Arguments

13. Applicant's arguments filed April 29, 2005 have been fully considered but they are not deemed to be persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., AC electricity) are not recited in the rejected claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In these case, Walker and Wheaton both teaches the hub having electrical outlet received by electrical source through electrical wires which generally applied by outdoor wall AC source. Wherein, applicant indicates that the light system of Walker's umbrella is light emitting diode devices and the electrical device (146) of Wheaton are not a AC device, we agreed for that. However, as defined in the specification of the claimed invention, as to power radio 10 of the claimed invention, the light system of Walker and

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electrical device (146) of Wheaton are not part of the claimed invention, the electrical device or light system would have electrical device being plugged with reduction of power cord to conducted the electricity from AC to DC system generally for outdoor electrical system. Therefore, the rejection are stand.

ACTION IS FINAL

14. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. ' 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. ' 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

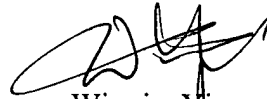
Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-6:30), Second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Winnie Yip', is positioned above the printed name.

Winnie Yip
Primary Examiner
Art Unit 3637

wsy
May 24, 2005